

Notice of Allowability

Application No.

09/544,196

Examiner

Ian N. Moore

Applicant(s)

CHAN ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-21-06.
2. ☒ The allowed claim(s) is/are 30-48 which have been renumbered as 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>3-19-07</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Elmer W. Galbi on March 19, 2007.

The application has been amended as follows:

- **Claim 30, line 7, "said CPU utilization value" has been replaced with -- said present CPU utilization value --**
- **Claim 30, line 7-8, "the resources" has been replaced with -- the particular set of resources --**
- **Claim 30, line 9, "an incoming call" has been replaced with -- said incoming call --**
- **Claim 30, line 11, "the resources" has been replaced with -- the particular set of resources --**
- **Claim 30, line 12, "said CPU utilization value" has been replaced with -- said present CPU utilization value --**
- **Claim 30, line 13, "said CPU utilization threshold" has been replaced with -- said present CPU utilization threshold value --**
- **Claim 30, line 13, "said signaling" has been replaced with -- said signaling refusal -**

- **Claim 30**, line 14, **“the resources”** has been replaced with -- **the particular set of resources** --
- **Claim 31**, line 8, **“the present CPU utilization value”** has been replaced with -- **a present CPU utilization value** --
- **Claim 31**, line 7, **“value”** has been inserted after **“said CPU utilization threshold”** (i.e. said CPU utilization threshold value)
- **Claim 31**, line 10, **“said CPU utilization threshold”** has been replaced with -- **said present CPU utilization threshold value** --
- **Claim 31**, line 11, **“value”** has been inserted after **“said CPU utilization threshold”** (i.e. said CPU utilization threshold value)
- **Claim 32**, line 1, **“value”** has been inserted after **“said CPU utilization threshold”** (i.e. said CPU utilization threshold value)
- **Claim 32**, line 2, **“the maximum CPU processing capacity”** has been replaced with -- **a maximum CPU processing capacity** --
- **Claim 33**, line 1, **“value”** has been inserted after **“said CPU utilization threshold”** (i.e. said CPU utilization threshold value)
- **Claim 33**, line 2, **“said CPU processing capacity”** has been replaced with -- **said maximum CPU processing capacity** --
- **Claim 34**, line 1, **“the CPU utilization value”** has been replaced with -- **said present CPU utilization value** --
- **Claim 36**, line 1, **“said CPU utilization threshold”** has been replaced with -- **said CPU utilization threshold value** --

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- **Claim 39**, line 1, “**an incoming call**” has been replaced with -- **said incoming call** --
- **Claim 40**, line 1, “**the ring signal**” has been replaced with -- **a ring signal** --
- **Claim 40**, line 2, “**an incoming call**” has been replaced with -- **said incoming call** --
- **Claim 40**, line 2, “**the incoming call**” has been replaced with -- **said incoming call** -
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- **Claim 41**, line 12, “**the incoming call**” has been replaced with -- **said incoming call**
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- **Claim 42**, line 2, “**the maximum CPU processing capacity**” has been replaced with
-- **a maximum CPU processing capacity** --
- **Claim 43**, line 2, “**said CPU processing capacity**” has been replaced with -- **said**
maximum CPU processing capacity --
- **Claim 44**, line 1, “**the CPU utilization value**” has been replaced with -- **said present**
CPU utilization value --
- **Claim 44**, line 1, “**the value**” has been replaced with --**a value** --
- **Claim 48**, line 2, “**an incoming call**” has been replaced with -- **said incoming call** --
- **Claim 48**, line 3, “**the incoming call**” has been replaced with -- **said incoming call** -
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Response to Arguments

2. Applicant’s arguments, see pages 7-10, filed 11/21/2006, with respect to claims 30-48 have been fully considered and are persuasive.

Allowable Subject Matter

3. **Claims 30-48** are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

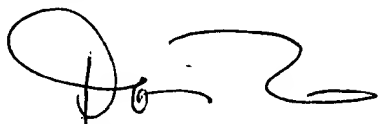
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

INM *JNM*
4-9-07


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